

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re FLINT WATER CASES

CIVIL ACTION
FILE NO. 5:16-cv-10444

Hon. Judith E. Levy

**CO-LIAISON COUNSEL’S (AMENDED) PROPOSED AGENDA ITEMS
RELATED TO AUGUST 30, 2023 STATUS CONFERENCE**

Co-Liaison Counsel hereby submits the following proposed agenda items for the Status Conference currently scheduled for August 30, 2023:

1. On July 26, 2023, the Veolia Defendants (“Veolia”) sent Bellwether III Plaintiffs (“Plaintiffs”) correspondence disclosing their intent to introduce at trial the “expert” testimony of five non-retained “experts,” who seemingly will be testifying on Veolia’s behalf and against the Bellwether III Plaintiffs, each of whom is an *infant* under the law (a “minor” or “child”), *to wit*:

- a. Miguel Del Toral;
- b. Marc Edwards, Ph.D.;
- c. Herman Gomez, M.D.;
- d. Cristin Larder; and
- e. Warren Green, P.E.

On August 10, 2023, Plaintiffs responded by letter, objecting to the designations, but nonetheless presented three ways in which Veolia might introduce

the subject testimony at trial. Plaintiffs requested Veolia's response as to how they intend to proceed before 3:00 p.m. on August 14, 2023. This was so Plaintiffs can begin preparing in earnest for discovery depositions of these "experts;" begin determining whether counter-experts are necessary; and begin formulating a schedule (to propose to the Court) regarding these "experts" and their potential counter-experts.

As of this filing, Veolia has not responded to Plaintiffs' communication.

Plaintiffs therefore request that the Court place this issue on the agenda for the August 30, 2023 Status Conference. The subject correspondence can be made available to the Court, at the Court's request.

2. On July 27, 2023, Plaintiffs sent correspondence to Veolia requesting a *Meet and Confer* regarding an alternative date for the Bellwether III trial, in the event the Issues Class trial, currently scheduled for February, 2024, does not go forward.

As of this filing, Veolia has not responded to Plaintiffs' communication.

Plaintiffs therefore request that the Court place this issue on the agenda for the August 30, 2023 Status Conference. The subject correspondence can be made available to the Court, at the Court's request.

3. On August 15, 2023, Plaintiffs requested that Veolia produce raw data associated with their Rule 26 Disclosures, which helped form the basis of their proposed experts' opinions. While Plaintiffs requested the documents be provided

by Monday, August 21, we asked that Veolia inform us whether they would object or produce the data by 3:00 pm today (the same time this pleading is due to be filed).

As of this filing, Veolia has not responded to Plaintiffs' communication. Plaintiffs therefore request that the Court place this issue on the agenda for the August 30, 2023 Status Conference. The subject correspondence can be made available to the Court, at the Court's request.

This, the 16th day of August, 2023.

LEVY KONIGSBERG, LLP

/s/ COREY M. STERN

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CERTIFICATE OF SERVICE

I hereby certify that on August 16th, 2023, I caused the within pleading to be served electronically on counsel of record for all parties to the above-captioned action at their e-mail addresses on file with the Court.

LEVY KONIGSBERG, LLP

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